

Docket as of July 22, 2004 9:22 pm

Web PACER (v2.3)

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**U.S. District Court****U.S. District for the Northern District of California (Oakland)****CIVIL DOCKET FOR CASE #: 00-CV-1860****Clement v. CDC, et al**

Filed: 05/23/00  
Assigned to: Judge Claudia Wilken  
Jury demand: Both  
Demand: \$0,000  
Nature of Suit: 550  
Lead Docket: 00-CV-1480  
Jurisdiction: Federal Question  
Dkt# in other court: None  
Cause: 42:1983 Prisoner Civil Rights

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FRANK CLEMENT  
Plaintiff

Frank Clement  
[term 04/17/01]  
D-07919  
[COR LD NTC] [PRO SE]  
PBSP-II  
Pelican Bay State Prison  
P O Box 7500  
Crescent City, CA 95531

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[COR NTC]  
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Foundation of Northern CA Inc  
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Donald Specter  
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(707) 442-7262

Robert A. Mittelstaedt  
[COR NTC]  
Jones Day  
555 California Street  
26th Floor  
San Francisco, CA 94104  
415-875-5710

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS  
defendant  
[term 07/12/00]

CAL TERHUNE  
defendant

Linda Pancho  
[COR LD NTC]  
Elizabeth S. Kim  
[term 08/08/02]  
(415) 703-5715  
[COR LD NTC]  
CA State Attorney General's  
Office  
455 Golden Gate Ave  
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San Francisco, CA 94102-7004  
415-703-5853

ROBERT AYERS  
defendant

Linda Pancho  
(See above)  
[COR LD NTC]  
Elizabeth S. Kim  
[term 08/08/02]  
(See above)  
[COR LD NTC]

TERESA SCHWARTZ  
defendant  
[term 07/26/00]

AUGGIE LOPEZ  
defendant  
[term 07/26/00]

SUSAN STEINBERG, Dr.

defendant  
[term 07/26/00]

DWIGHT WINSLOW, Dr.  
defendant  
[term 07/26/00]

T. PUGET, C/O  
defendant  
[term 07/26/00]

D. STEWART, mailroom staff	Linda Pancho
defendant	(See above)
	[COR LD NTC]
	Elizabeth S. Kim
	[term 08/08/02]
	(See above)
	[COR LD NTC]

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## DOCKET PROCEEDINGS

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DATE	#	DOCKET ENTRY
5/23/00	1	COMPLAINT: NO Summons(es) issued; Fee status ifpp entered on 5/23/00; jury demand [4:00-cv-01860] (cp) [Entry date 05/24/00] [4:00cv1860]
5/24/00	2	ORDER by Judge Claudia Wilken relating cases; 4:00-cv-1480 with member cases 4:00-cv-1860, Case reassigned to Judge Claudia Wilken ( Date Entered: 5/25/00) (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 05/25/00] [4:00cv1860]
6/9/00	3	IN FORMA PAUPERIS AFFIDAVIT by Plaintiff Frank Clement in 4:00-cv-01860 for leave to proceed in forma pauperis [4:00-cv-01860] (cp) [Entry date 06/13/00] [4:00cv1860]
7/12/00	4	ORDER by Judge Claudia Wilken granting affidavit motion for leave to proceed in forma pauperis [3-1]; total filing fee is \$150.00 with initial partial filing fee due at this time is \$6.20; dismissing all claims against California Dept. of Corrections; dismissing plaintiff's first amendment claim WITH LEAVE TO AMEND within 30 days of the date of this order ( Date Entered: 7/14/00) (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 07/14/00] [4:00cv1860]

7/26/00 5 AMENDED COMPLAINT [1-1] by Plaintiff Frank Clement in 4:00-cv-01860; jury demand terminating defendant T. Puget in 4:00-cv-01860, defendant Dwight Winslow in 4:00-cv-01860, defendant Susan Steinberg in 4:00-cv-01860, defendant Auggie Lopez in 4:00-cv-01860, defendant Teresa Schwartz in 4:00-cv-01860; adding D. Stewart to case(s) 4:00-cv-01860, [4:00-cv-01860] (cp) [Entry date 07/27/00] [4:00cv1860]

2/28/01 6 MOTION before Judge Claudia Wilken by Plaintiff in to supplement complaint [4:00-cv-01860] (kc) [Entry date 03/01/01] [4:00cv1860]

2/28/01 -- RECEIVED supplemental complaint submitted by Plaintiff [4:00-cv-01860] (kc) [Entry date 03/01/01] [4:00cv1860]

4/13/01 7 EX-PARTE APPLICATION before Judge Claudia Wilken by Plaintiff Frank Clement in 4:00-cv-01860 to substitute attorney [4:00-cv-01860] (cp) [Entry date 04/16/01] [4:00cv1860]

4/17/01 8 ORDER by Judge Claudia Wilken granting motion to substitute attorney [7-1]; substituting attorney J. Bryce Kenny for plaintiff ( Date Entered: 4/18/01) (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 04/18/01] [4:00cv1860]

5/7/01 9 PROOF OF SERVICE by Frank Clement in 4:00-cv-01860 of order [8-1] [4:00-cv-01860] (cp) [Entry date 05/08/01] [4:00cv1860]

7/10/01 10 Service ORDER by Judge Claudia Wilken GRANTING motion to supplement complaint [6-1] (Date Entered: 7/12/01) (cc: all counsel) [4:00-cv-01860] (kc) [Entry date 07/12/01] [4:00cv1860]

7/10/01 11 SUPPLEMENT by Plaintiff to complaint [5-1] [4:00-cv-01860] (kc) [Entry date 07/12/01] [4:00cv1860]

7/10/01 12 Clerk's LETTER dated 7/10/01 to Litigation Coordinator, Pelican Bay State Prison regarding service of complaint on defendants [4:00-cv-01860] (kc) [Entry date 07/12/01] [4:00cv1860]

7/10/01 13 Clerk's LETTER dated 7/10/01 to Attorney General, State of California regarding service of complaint [4:00-cv-01860] (kc) [Entry date 07/12/01] [4:00cv1860]

7/16/01 14 LETTER dated 7/13/01 from Cliff Threm (Litigation Coordinator) re: service could not be completed on Warden Robert Ayers, Associate Warden Lopez, and Dr. Steinberg; defendants no longer employed at Pelican Bay State Prison [4:00-cv-01860] (cp) [4:00cv1860]

8/7/01 15 ORDER by Judge Claudia Wilken regarding inability to serve defendants Ayers, Lopez and Steinberg; Clerk to send copies of this letter to plaintiff's counsel and to the served

defendants; (Date Entered: 8/7/01) (cc: all counsel)  
[4:00-cv-01860] (kc) [4:00cv1860]

8/10/01 16 WAIVER OF SERVICE by Teresa Schwartz in 4:00-cv-01860 served on 8/8/01 in response to the Request for Waiver sent on 7/10/01 [4:00-cv-01860] (cp) [Entry date 08/13/01] [4:00cv1860]

8/10/01 17 WAIVER OF SERVICE by K. Johns served on 8/8/01 in response to the Request for Waiver sent on 7/10/01 [4:00-cv-01860] (cp) [Entry date 08/13/01] [4:00cv1860]

8/10/01 18 WAIVER OF SERVICE by T. Puget in 4:00-cv-01860 served on 8/8/01 in response to the Request for Waiver sent on 7/10/01 [4:00-cv-01860] (cp) [Entry date 08/13/01] [4:00cv1860]

8/10/01 19 WAIVER OF SERVICE by D. Stewart in 4:00-cv-01860 served on 8/8/01 in response to the Request for Waiver sent on 7/10/01 [4:00-cv-01860] (cp) [Entry date 08/13/01] [4:00cv1860]

8/10/01 20 WAIVER OF SERVICE by C. Broce served on 8/8/01 in response to the Request for Waiver sent on 7/10/01 [4:00-cv-01860] (cp) [Entry date 08/13/01] [4:00cv1860]

8/10/01 21 WAIVER OF SERVICE by Cal Terhune in 4:00-cv-01860 served on 8/8/01 in response to the Request for Waiver sent on 7/10/01 [4:00-cv-01860] (cp) [Entry date 08/13/01] [4:00cv1860]

8/15/01 22 WAIVER OF SERVICE by defendant Dwight Winslow served on 8/13/01 in response to the Request for Waiver sent on 7/10/01 [4:00-cv-01860] (kc) [4:00cv1860]

9/10/01 23 ANSWER by Cal Terhune in 4:00-cv-01860, D. Stewart in 4:00-cv-01860 to amended complaint [5-1]; jury demand [4:00-cv-01860] (cp) [Entry date 09/12/01] [4:00cv1860]

10/26/01 24 ANSWER by Susan Steinberg in 4:00-cv-01860, Robert Ayers in 4:00-cv-01860, Auggie Lopez in 4:00-cv-01860 to complaint [5-1], complaint [1-1]; jury demand [4:00-cv-01860] (cp) [Entry date 10/29/01] [4:00cv1860]

11/26/01 25 MOTION before Judge Claudia Wilken by defendants in 4:00-cv-01860 to extend time to file a dispositive motion [4:00-cv-01860] (cp) [Entry date 11/30/01] [4:00cv1860]

11/26/01 26 DECLARATION by Elizabeth S. Kim on behalf of defendant in 4:00-cv-01860 re motion to extend time to file a dispositive motion [25-1] [4:00-cv-01860] (cp) [Entry date 11/30/01] [4:00cv1860]

11/26/01 -- RECEIVED Proposed Order ( defendant in 4:00-cv-01860) re: motion to extend time to file a dispositive motion [25-1] [4:00-cv-01860] (cp) [Entry date 11/30/01] [4:00cv1860]

12/4/01 27 ORDER by Judge Claudia Wilken granting motion to extend time to file a dispositive motion [25-1] until 1/24/02 (

Date Entered: 12/7/01) (cc: all counsel) [4:00-cv-01860]  
(cp) [Entry date 12/07/01] [4:00cv1860]

1/17/02 28 MOTION before Judge Claudia Wilken by defendants in  
4:00-cv-01860 to extend time to file a dispositive motion  
[4:00-cv-01860] (cp) [Entry date 01/18/02] [4:00cv1860]

1/17/02 29 DECLARATION by Sara Turner on behalf of defendant in  
4:00-cv-01860 re motion to extend time to file a  
dispositive motion [28-1] [4:00-cv-01860] (cp)  
[Entry date 01/18/02] [4:00cv1860]

1/17/02 -- RECEIVED Proposed Order ( defendant in 4:00-cv-01860) re:  
motion to extend time to file a dispositive motion [28-1]  
[4:00-cv-01860] (cp) [Entry date 01/18/02] [4:00cv1860]

1/22/02 30 ORDER by Judge Claudia Wilken granting defendants' motion  
to extend time to file a dispositive motion [28-1] by  
2/25/02 ( Date Entered: 1/24/02) (cc: all counsel)  
[4:00-cv-01860] (cp) [Entry date 01/24/02] [4:00cv1860]

2/25/02 31 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND  
AUTHORITIES before Judge Claudia Wilken by defendant in  
4:00-cv-01860 for summary judgment with Notice set for  
4/19/02 at 10:00am [4:00-cv-01860] (cp)  
[Entry date 02/26/02] [4:00cv1860]

2/25/02 32 DECLARATION by Linda L. Rianda on behalf of defendant in  
4:00-cv-01860 re motion for summary judgment [31-1]  
[4:00-cv-01860] (cp) [Entry date 02/26/02] [4:00cv1860]

2/25/02 33 DECLARATION by Julianne Mossler on behalf of defendant in  
4:00-cv-01860 re motion for summary judgment [31-1]  
[4:00-cv-01860] (cp) [Entry date 02/26/02] [4:00cv1860]

2/25/02 34 DECLARATION by Dwight Winslow M.D. on behalf of defendant  
in 4:00-cv-01860 re motion for summary judgment [31-1]  
[4:00-cv-01860] (cp) [Entry date 02/26/02] [4:00cv1860]

3/20/02 104 ORDER by Judge Claudia Wilken GRANTING second request for  
extension of time to comply with the Court's 2/10/03 Order  
[102-1]; defendants must file their statement by 4/9/03;  
(Date Entered: 3/21/03) (cc: all counsel) [4:00-cv-01860]  
(scu) [Entry date 03/21/03] [4:00cv1860]

3/28/02 35 STIPULATION and ORDER by Judge Claudia Wilken : vacating  
4/19/02 hearing re motion for summary judgment [31-1] (cc:  
all counsel) [4:00-cv-01860] (cp) [Entry date 04/01/02]  
[4:00cv1860]

4/18/02 36 EX-PARTE APPLICATION before Judge Claudia Wilken by  
Plaintiff Frank Clement in 4:00-cv-01860 to extend time to  
file opposition [4:00-cv-01860] (kk) [Entry date 04/19/02]  
[4:00cv1860]

4/22/02 37 ORDER by Judge Claudia Wilken granting motion to extend  
time to file opposition [36-1] to 5/20/02 ( Date Entered:  
4/25/02) (cc: all counsel) [4:00-cv-01860] (cp)  
[Entry date 04/25/02] [4:00cv1860]

4/29/02 38 PROOF OF SERVICE by Plaintiff Frank Clement in 4:00-cv-01860 of order [37-1] [4:00-cv-01860] (cp) [Entry date 04/30/02] [4:00cv1860]

5/14/02 -- RECEIVED notice of association of counsel and stipulated request for extension of time for filing plaintiff's opposition to motion for summary judgment and to set hearing date submitted by Plaintiff in 4:00-cv-01860 [4:00-cv-01860] (cp) [Entry date 05/16/02] [4:00cv1860]

5/22/02 39 STIPULATION and ORDER by Judge Claudia Wilken : extending time to file opposition re: motion for summary judgment; setting hearing on motion for summary judgment [31-1] at 10:00am on 7/19/02; notice of association of counsel (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 05/30/02] [4:00cv1860]

6/5/02 40 PROOF OF SERVICE by Plaintiff in 4:00-cv-01860 of order [39-1] [4:00-cv-01860] (kc) [Entry date 06/07/02] [4:00cv1860]

6/6/02 -- RECEIVED stipulated request for extension of time for filing plaintiff's opposition to motion for summary judgment and for postponement of hearing date [4:00-cv-01860] (kc) [Entry date 06/10/02] [4:00cv1860]

6/10/02 41 STIPULATION and ORDER by Judge Claudia Wilken : extending time to file an opposition re motion for summary judgment, and resetting hearing on motion for summary judgment [31-1] at 10:00am on 8/9/02 (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 06/13/02] [4:00cv1860]

6/14/02 -- RECEIVED motion and proposed order for permission to file separate briefs in opposition re: motion for summary judgment submitted by Plaintiff in 4:00-cv-01860 [4:00-cv-01860] (cp) [Entry date 06/17/02] [4:00cv1860]

6/17/02 42 OPPOSITION by Plaintiff in 4:00-cv-01860 to motion for summary judgment [31-1] [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/17/02 43 DECLARATION by Mike Godwin on behalf of Plaintiff in 4:00-cv-01860 re opposition [42-1] [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/17/02 44 DECLARATION by Lara Stemple on behalf of Plaintiff in 4:00-cv-01860 re opposition [42-1] [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/17/02 45 DECLARATION by Sheilah Glover on behalf of Plaintiff in 4:00-cv-01860 re opposition [42-1] [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/17/02 46 DECLARATION by Beverly Lozano on behalf of Plaintiff in 4:00-cv-01860 re opposition [42-1] [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/17/02 47 DECLARATION by Deirdre K. Mulligan on behalf of Plaintiff in 4:00-cv-01860 re opposition [42-1] [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/17/02 48 DECLARATION by Heather MacKay on behalf of Plaintiff in 4:00-cv-01860 re opposition [42-1] [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/17/02 49 REQUEST FOR JUDICIAL NOTICE by Plaintiff Frank Clement in 4:00-cv-01860 [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/17/02 50 OPPOSITION by Plaintiff Frank Clement in 4:00-cv-01860 to motion for summary judgment [31-1] [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/17/02 51 DECLARATION by Corey Weinstein on behalf of Plaintiff Frank Clement in 4:00-cv-01860 re opposition [50-1] [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/17/02 52 DECLARATION by Frank Clement on behalf of Plaintiff in 4:00-cv-01860 [4:00-cv-01860] (cp) [Entry date 06/19/02] [4:00cv1860]

6/19/02 55 Motion and ORDER by Judge Claudia Wilken permitting plaintiff to file separate briefs in opposition to defendants' motion for summary judgment ( Date Entered: 6/25/02) (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 06/25/02] [4:00cv1860]

6/20/02 53 MOTION before Judge Claudia Wilken by Plaintiff Frank Clement in 4:00-cv-01860 for preliminary injunction with Notice set for 8/9/02 at 10:00am [4:00-cv-01860] (cp) [Entry date 06/21/02] [4:00cv1860]

6/20/02 54 MEMORANDUM by Plaintiff Frank Clement in 4:00-cv-01860 in support of motion for preliminary injunction [53-1] [4:00-cv-01860] (cp) [Entry date 06/21/02] [4:00cv1860]

6/27/02 56 PROOF OF SERVICE by Plaintiff in 4:00-cv-01860 of order [55-1] [4:00-cv-01860] (cp) [Entry date 06/28/02] [4:00cv1860]

7/3/02 -- RECEIVED stipulated request for permission to file objections to evidence and proposed order submitted by Plaintiff in 4:00-cv-01860 [4:00-cv-01860] (kc) [Entry date 07/05/02] [Edit date 07/05/02] [4:00cv1860]

7/9/02 57 MOTION before Judge Claudia Wilken by defendants in 4:00-cv-01860 to extend time to file defendants' reply to plaintiff's opposition to motion for summary judgment [4:00-cv-01860] (cp) [Entry date 07/15/02] [4:00cv1860]

7/9/02 57 OPPOSITION by defendants in 4:00-cv-01860 to motion for preliminary injunction [53-1] [4:00-cv-01860] (cp) [Entry date 07/15/02] [4:00cv1860]

7/9/02 57 REPLY by defendants in 4:00-cv-01860 to objections to evidence filed with motion for summary judgment [31-1]

[4:00-cv-01860] (cp) [Entry date 07/15/02] [4:00cv1860]

7/9/02 -- RECEIVED Proposed Order ( defendant in 4:00-cv-01860) re: motion to extend time to file defendants' reply to plaintiff's opposition to motion for summary judgment [57-1], re: opposition [57-1] [4:00-cv-01860] (cp) [Entry date 07/15/02] [4:00cv1860]

7/12/02 -- RECEIVED stipulation & order re: amended objections submitted by Plaintiff in 4:00-cv-01860 [4:00-cv-01860] (kk) [Entry date 07/16/02] [4:00cv1860]

7/15/02 58 STIPULATION and ORDER by Judge Claudia Wilken granting request for permission to file plaintiff's objections to evidence (cc: all counsel) [4:00-cv-01860] (scu) [Entry date 07/19/02] [4:00cv1860]

7/15/02 59 ORDER by Judge Claudia Wilken GRANTING motion to extend time to file defendants' reply to plaintiff's opposition to motion for summary judgment [57-1]; time is extended to and including 7/24/02; (Date Entered: 7/19/02) (cc: all counsel) [4:00-cv-01860] (scu) [Entry date 07/19/02] [4:00cv1860]

7/24/02 60 STIPULATION and ORDER by Judge Claudia Wilken allowing plaintiff to file the final version of objections to defendants' evidence re: motion for summary judgment: (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 07/31/02] [4:00cv1860]

7/24/02 61 OPPOSITION by Dwight, Winslow, T. Puget, et al to plaintiff's motion to strike evidence [4:00-cv-01860] (cp) [Entry date 07/31/02] [4:00cv1860]

7/24/02 62 REPLY by Dwight Winslow, T. Puget, et al to opposition to motion for summary judgment [31-1]; OPPOSITION to motion for preliminary injunction [53-1] [4:00-cv-01860] (cp) [Entry date 07/31/02] [4:00cv1860]

7/25/02 -- RECEIVED stipulation and order correcting minor errors submitted by Plaintiff in 4:00-cv-01860 [4:00-cv-01860] (cp) [Entry date 07/26/02] [4:00cv1860]

7/26/02 66 STIPULATION and ORDER by Judge Claudia Wilken correcting minor errors in plaintiff's opposition papers and conceding that plaintiff exhausted administrative remedies on tennis show claim: (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 08/05/02] [4:00cv1860]

7/29/02 63 PROOF OF SERVICE by defendant in 4:00-cv-01860 of order [60-1] [4:00-cv-01860] (kc) [Entry date 08/01/02] [4:00cv1860]

7/30/02 64 REPLY by Plaintiff Frank Clement in 4:00-cv-01860 to opposition to motion for preliminary injunction [53-1] [4:00-cv-01860] (cp) [Entry date 08/02/02] [4:00cv1860]

7/31/02 65 OBJECTIONS by Plaintiff Frank Clement in 4:00-cv-01860 to evidence in support of motion for summary judgment [31-1]

[4:00-cv-01860] (cp) [Entry date 08/02/02] [4:00cv1860]

8/5/02 67 PROOF OF SERVICE by defendants of order [60-1]  
[4:00-cv-01860] (kc) [Entry date 08/06/02] [4:00cv1860]

8/8/02 68 NOTICE by defendants in 4:00-cv-01860 of change of attorney  
[4:00-cv-01860] (cp) [Entry date 08/09/02] [4:00cv1860]

8/8/02 -- Docket Modification (Administrative) to notice [68-1]  
withdrawing attorney Elizabeth S. Kim for D. Stewart in  
4:00-cv-01860, attorney Elizabeth S. Kim for Robert Ayers  
in 4:00-cv-01860, attorney Elizabeth S. Kim for Cal Terhune  
in 4:00-cv-01860 and substituting attorney Linda Pancho  
[4:00-cv-01860] (cp) [Entry date 08/09/02] [4:00cv1860]

8/9/02 69 MINUTES: before Judge Claudia Wilken ( C/R Peppina  
Thompson) ( Hearing Date: 8/9/02) that the motion for  
preliminary injunction [53-1] is submitted, that the motion  
for summary judgment [31-1] is submitted [4:00-cv-01860] (cp)  
[Entry date 08/16/02] [4:00cv1860]

9/9/02 70 ORDER by Judge Claudia Wilken DENYING motion for  
preliminary injunction [53-1], GRANTING in part and DENYING  
in part motion for summary judgment [31-1]; plaintiff's  
objections of evidence are overruled and request for  
judicial notice is granted; granting plaintiff summary  
judgment on his First Amended claim; (Date Entered:  
9/10/02) (cc: all counsel) [4:00-cv-01860] (kc)  
[Entry date 09/10/02] [4:00cv1860]

9/9/02 71 PERMANENT INJUNCTION by Judge Claudia Wilken; defendants as  
well as their officers, directors, employees, agents and  
those in privity with them are enjoined from enforcing any  
policy prohibiting California inmates from receiving mail  
because it contains Internet-generated information; (Date  
Entered: 9/10/02) (cc: all counsel) [4:00-cv-01860] (kc)  
[Entry date 09/10/02] [4:00cv1860]

9/9/02 72 JUDGMENT: by Judge Claudia Wilken plaintiff take nothing  
on his claims alleging violation of his Eighth Amendment  
rights, that those claims be dismissed on the merits,  
defendants also take nothing; defendants are enjoined from  
enforcing a policy that prohibits California inmates from  
receiving mail because it contains Internet-generated  
material; terminating case; each party bear its own costs  
of action; appeal filing ddl 10/10/02 (Date Entered:  
9/10/02) (cc: all counsel) [4:00-cv-01860] (kc)  
[Entry date 09/10/02] [4:00cv1860]

9/20/02 73 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by  
defendants in 4:00-cv-01860 to alter or amend the  
judgment with Notice set for 10/25/02 at 10:00am  
[4:00-cv-01860] (cp) [Entry date 09/24/02] [4:00cv1860]

9/20/02 74 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by  
defendant in 4:00-cv-01860 to stay of enforcement of  
permanent injunction pending disposition of motion to alter  
or amend the judgment [4:00-cv-01860] (cp)

[Entry date 09/24/02] [4:00cv1860]

9/20/02 -- RECEIVED Proposed Order ( defendant in 4:00-cv-01860) re: motion to stay of enforcement of permanent injunction pending disposition of motion to alter or amend the judgment [74-1] [4:00-cv-01860] (cp) [Entry date 09/24/02] [4:00cv1860]

9/23/02 75 NOTICE of amended hearing by defendants in 4:00-cv-01860 resetting motion to alter or amend the judgment [73-1] ; hearing set for 10:00am on 11/1/02 [4:00-cv-01860] (cp) [Entry date 09/25/02] [4:00cv1860]

9/23/02 76 Motion and ORDER by Judge Claudia Wilken extending time for plaintiff to submit a motion for attorneys' fees until 11/26/02 ( Date Entered: 9/25/02) (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 09/25/02] [4:00cv1860]

9/24/02 77 MOTION before Judge Claudia Wilken by Plaintiff in 4:00-cv-01860 to amend the judgment with Notice set for 11/1/02 at 10:00am [4:00-cv-01860] (cp) [Entry date 09/26/02] [4:00cv1860]

9/24/02 -- RECEIVED Proposed Order ( Plaintiff in 4:00-cv-01860) re: motion to amend the judgment [77-1] [4:00-cv-01860] (cp) [Entry date 09/26/02] [4:00cv1860]

9/30/02 78 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by defendants to stay enforcement of permanent injunction with Notice set for 11/1/02 at 10:00 [4:00-cv-01860] (kc) [Entry date 10/04/02] [4:00cv1860]

9/30/02 79 LETTER to Judge Wilken, dated 9/26/02, from Danny Roman regarding enforcement of order [4:00-cv-01860] (kc) [Entry date 10/04/02] [4:00cv1860]

10/1/02 80 NOTICE by Plaintiff of entry of order [76-2] [4:00-cv-01860] (kc) [Entry date 10/04/02] [4:00cv1860]

10/4/02 81 OPPOSITION by defendant in 4:00-cv-01860 to motion to amend the judgment [77-1] [4:00-cv-01860] (cp) [Entry date 10/08/02] [4:00cv1860]

10/11/02 82 OPPOSITION by Plaintiff in 4:00-cv-01860 to motion to alter or amend the judgment [73-1], motion to stay of enforcement of permanent injunction pending disposition of motion to alter or amend the judgment [74-1] [4:00-cv-01860] (cp) [Entry date 10/15/02] [4:00cv1860]

10/11/02 83 DECLARATION by Heather MacKay on behalf of Plaintiff in 4:00-cv-01860 re opposition [82-1] [4:00-cv-01860] (cp) [Entry date 10/15/02] [4:00cv1860]

10/17/02 84 REPLY by Plaintiff in support of motion to amend the judgment [77-1] [4:00-cv-01860] (kc) [Entry date 10/21/02] [4:00cv1860]

10/25/02 85 REPLY by defendants to opposition to motion to stay of enforcement of permanent injunction pending disposition of

motion to alter or amend the judgment [74-1], motion to alter or amend the judgment [73-1] [4:00-cv-01860] (kc) [Entry date 10/28/02] [4:00cv1860]

10/28/02 86 CLERK'S NOTICE that the motion to stay enforcement of permanent injunction [78-1] is submitted, that the motion to amend the judgment [77-1] is submitted, that the motion to stay of enforcement of permanent injunction pending disposition of motion to alter or amend the judgment [74-1] is submitted, that the motion to alter or amend the judgment [73-1] is submitted; hearing scheduled for 11/1/02 is VACATED [4:00-cv-01860] (kc) [4:00cv1860]

10/29/02 87 ORDER by Judge Claudia Wilken GRANTING motion to amend the judgment [77-1] (Date Entered: 10/30/02) (cc: all counsel) [4:00-cv-01860] (kc) [Entry date 10/30/02] [4:00cv1860]

11/20/02 88 ORDER by Judge Claudia Wilken denying motion to alter or amend the judgment [73-1], denying motion to stay enforcement of permanent injunction [78-1], denying as moot motion to stay of enforcement of permanent injunction pending disposition of motion to alter or amend the judgment [74-1] moot. (Date Entered: 11/27/02) (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 11/27/02] [4:00cv1860]

11/26/02 89 NOTICE OF MOTION AND MOTION with memorandum before Judge Claudia Wilken by Plaintiff Frank Clement in 4:00-cv-01860 for attorney fees with Notice set for 1/24/03 at 10:00am [4:00-cv-01860] (cp) [Entry date 12/03/02] [4:00cv1860]

12/2/02 90 REQUEST by defendant CDC in 4:00-cv-01860 for extension of time to file opposition to plaintiff's motion for attorneys' fees [4:00-cv-01860] (kk) [Entry date 12/04/02] [4:00cv1860]

12/9/02 91 ORDER by Judge Claudia Wilken DENYING defendants' request for extension of time in which to file opposition to motion for attorneys' fees as moot; defendant has until 1/3/03 to file an opposition per Local Rules; (Date Entered: 12/11/02) (cc: all counsel) [4:00-cv-01860] (kc) [Entry date 12/11/02] [4:00cv1860]

12/16/02 92 REPORTER'S TRANSCRIPT; Date of proceedings: 8/9/02 (C/R: Peppina Thompson) minutes [69-1] [4:00-cv-01860] (kc) [Entry date 12/17/02] [Edit date 01/21/03] [4:00cv1860]

12/18/02 93 NOTICE OF APPEAL by defendants in 4:00-cv-01860 from Dist. Court decision permanent injunction [71-1], judgment [72-2], order [88-1] Fee status paid [4:00-cv-01860] (cp) [Entry date 12/19/02] [4:00cv1860]

12/19/02 -- Docket fee notification form and case information sheet to USCA [93-1] [4:00-cv-01860] (cp) [4:00cv1860]

1/3/03 94 OPPOSITION by defendants in 4:00-cv-01860 to motion for attorney fees [89-1] [4:00-cv-01860] (cp) [4:00cv1860]

1/7/03 -- NOTIFICATION by Circuit Court of Appellate Docket Number

03-15006 [4:00-cv-01860] (cp) [4:00cv1860]

1/10/03 95 REPLY by Frank Clement in 4:00-cv-01860 re motion for attorney fees [89-1] [4:00-cv-01860] (cp) [Entry date 01/13/03] [4:00cv1860]

1/10/03 96 CLERK'S NOTICE that the motion for attorney fees [89-1] is submitted; vacating 1/24/03 hearing [4:00-cv-01860] (cp) [Entry date 01/14/03] [4:00cv1860]

1/17/03 97 TRANSCRIPT DESIGNATION and Ordering Form filed by defendant in 4:00-cv-01860 for dates 8/9/02 ; C/R: Peppina Thompson; appeal [93-1] [4:00-cv-01860] (cp) [Entry date 01/21/03] [4:00cv1860]

1/21/03 -- CERTIFICATE of Record mailed to USCA, counsel notified. [4:00-cv-01860] (cp) [4:00cv1860]

2/10/03 98 ORDER by Judge Claudia Wilken granting in part plaintiff's motion for attorney fees [89-1] ( Date Entered: 2/12/03) (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 02/12/03] [4:00cv1860]

3/10/03 99 REQUEST before Judge Claudia Wilken by defendants for extension of time to comply with the Court's 2/10/03 Order [4:00-cv-01860] (kc) [Entry date 03/11/03] [4:00cv1860]

3/10/03 100 DECLARATION by Rochelle C. Holzmann on behalf of defendants in support of request for extension of time to comply with the Court's 2/10/03 Order [99-1] [4:00-cv-01860] (kc) [Entry date 03/11/03] [4:00cv1860]

3/12/03 101 ORDER by Judge Claudia Wilken granting motion for extension of time to comply with the Court's 2/10/03 Order [99-1] until 3/19/03 ( Date Entered: 3/14/03) (cc: all counsel) [4:00-cv-01860] (cp) [Entry date 03/14/03] [4:00cv1860]

3/19/03 102 Second REQUEST before Judge Claudia Wilken by defendants in 4:00-cv-01860 for extension of time to comply with the Court's 2/10/03 Order [4:00-cv-01860] (scu) [Entry date 03/21/03] [4:00cv1860]

3/19/03 103 DECLARATION by Rochelle C. Holzmann on behalf of defendants in support of request for extension of time to comply with the Court's 2/10/03 Order [102-1] [4:00-cv-01860] (scu) [Entry date 03/21/03] [4:00cv1860]

4/9/03 105 OBJECTIONS by defendants to plaintiff's claim for attorneys' fees and costs [4:00-cv-01860] (cp) [Entry date 04/11/03] [4:00cv1860]

4/9/03 106 DECLARATION by R.C. Holzmann on behalf of defendants re objection [105-1] [4:00-cv-01860] (cp) [Entry date 04/11/03] [4:00cv1860]

4/23/03 107 OPPOSITION by Plaintiff in 4:00-cv-01860 to objection [105-1] [4:00-cv-01860] (kk) [Entry date 04/24/03] [4:00cv1860]

4/23/03 108 DECLARATION by Jennifer Starks on behalf of Plaintiff Frank Clement in 4:00-cv-01860 re opposition [107-1] [4:00-cv-01860] (kk) [Entry date 04/24/03] [4:00cv1860]

4/23/03 109 DECLARATION by Ann Brick on behalf of Plaintiff in 4:00-cv-01860 re opposition [107-1] [4:00-cv-01860] (kk) [Entry date 04/24/03] [4:00cv1860]

4/23/03 110 DECLARATION by Heather Mackay on behalf of Plaintiff Frank Clement in 4:00-cv-01860 re opposition [107-1] [4:00-cv-01860] (kk) [Entry date 04/24/03] [4:00cv1860]

5/6/03 111 REPLY by defendants re objection [105-1]; OPPOSITION to amended fee motion [4:00-cv-01860] (cp) [Entry date 05/08/03] [4:00cv1860]

5/6/03 112 DECLARATION by Julianne Mossler on behalf of defendant in re reply [111-1] [4:00-cv-01860] (cp) [Entry date 05/08/03] [4:00cv1860]

5/13/03 113 Supplemental DECLARATION by Jennifer Starks on behalf of Frank Clement in 4:00-cv-01860 re opposition [107-1] [4:00-cv-01860] (cp) [Entry date 05/14/03] [4:00cv1860]

1/27/04 -- RECORD on Appeal to USCA, cnsl notified. re appeal [93-1] [4:00-cv-01860] (cp) [4:00cv1860]

2/3/04 114 ORDER by Judge Claudia Wilken awarding attorneys' fees. Plaintiff is entitled to recover fees in the amount of \$90,175.75 and costs in the amount of \$7,363.65; (Date Entered: 2/5/04) (cc: all counsel) [4:00-cv-01860] (kc) [Entry date 02/05/04] [4:00cv1860]

2/3/04 115 RECEIPT from USCA of clerk's record on appeal [4:00-cv-01860] (kc) [Entry date 02/05/04] [4:00cv1860]

5/14/04 116 CERTIFIED COPY of judgment from USCA affirming the decision of the District Court [93-1] Costs \$148.00 [4:00-cv-01860] (cp) [Entry date 05/18/04] [4:00cv1860]

5/18/04 117 CLERK's letter spreading the mandate to counsel. re appeal [93-1] [4:00-cv-01860] (cp) [4:00cv1860]

7/22/04 118 RECORD ON APPEAL RETURNED FROM USCA [93-1] [4:00-cv-01860] (kc) [4:00cv1860]

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Case Flags:  
TERMED  
RELATE

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END OF DOCKET: 4:00cv1860

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<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
06/16/2005 14:26:54			
<b>PACER Login:</b>	hs0328	<b>Client Code:</b>	
<b>Description:</b>	docket report	<b>Search Criteria:</b>	4:00cv01860
<b>Billable Pages:</b>	16	<b>Cost:</b>	1.28

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